

August 8, 2016

PRESENT: Rusty Bridle, Chairman
Jim Waddell, Vice-Chairman
Rick Griffin, Selectman
Phil Bean, Selectman
Regina Barnes, Selectman
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Hearing RSA 674:40-a

To accept the following streets as Class V Highways in the Town of Hampton: Leary Lane, Penniman Lane, Ridgeview Terrace, Tobey Street, Trafford Road, Windmill Lane.

Town Manager Welch: all the above streets are all acceptable as Class V highways and the Town has maintained them.

Selectman Waddell MOTIONED to accept the above-mentioned streets as Class V Highways
SECONDED by Selectman Barnes.

VOTE: 5-0-0

II. Public Comment Period (9:18)

Norman Silberdick: wrote an article to the editor last Friday; we thought to reiterate that the single family dwellings for the most part the evaluations were reasonable at 22%; we did have exception in a couple of areas. According to Vision condominium sales went up on average of 17%; we looked at sales of condominiums and the average assessment went up 11%, yet they sold at an average price of 5% higher, which equals 16%; we request to reconfirm that the 17% is in fact truly happening. Commercial property is of great concern; instances that the median sales were 33% more than the 2015 assessment and the 2016 assessment was about 16%. The Ashworth sold for \$14,500,000 or 44% more than the Vision assessment, the sale price was well above the assessment. Bernie's Beach Bar was purchased for \$1.4 million, yet the assessment was \$1.1 million. Also looked at rental income and there was only an 11% increase in assessed values; also parking lots only increased by 10% though the revenue increased by 47%. Ask that you consider reviewing the condominium and commercial properties for fairness to all taxpayers.

Charlie Preston: my valuation went up 22.5%; #2 in the Town Manager's report concerning the State DOT posting the three parking areas in from of the Wok Restaurant as no parking, hate to see any businesses lose any parking spaces; need to assist businesses not hinder. Between D and F Streets is an ATM machine and people park in the travel lane.

Mary-Louise Woolsey: noticed on-line advertising road reconstruction in the Maplewood area; public upset; roads in bad shape, why should public vote for article and none end up being done. Roads in bad shape and since we stipulated specific roads, those are the roads that need to be done; very disrespectful to public. The statute requires that three of you sign a permission slip for persons to conduct the perambulation without members of the Board of selectmen present. Since Fred is a resident of Seabrook, I think it is particularly inappropriate for him to go by himself; strongly suggest you talk with counsel and ask he go to the Superior Court and see that the document be removed from Records and Archives.

Mary Batchelder Road residents: on going issue with tractor-trailer trucks coming up and down our road; from 6:30AM to 8-9:00PM; have no thru signs; called Hampton PD; GPS sending them that way; speeding; ruined hedges; no one is doing anything about it. Selectman Griffin asked them to stick around and we would discuss this further under Old Business.

III. Announcements and Community Calendar (27:00)

Selectman Griffin: The Pig Roast is the same week as the Seafood Festival this year and can tickets at the Tuck Museum or from Board members; \$20.

Chairman Bridle: condolences to the families of Elizabeth Morrell and Bruce Casassa who passed away this week. Chase Kalisz won the silver medal swimming Sunday night; his father was a Hampton Police Officer for many years, wish the family congratulations. If you have a yard sale get a permit, take signs down or you may have someone come to your door asking why you are littering.

IV. Consent Agenda (29:54)

1. Seafood Vendor Permits: Psychic Reading 117 Ocean Blvd; Tates Crafts 225 Ocean Blvd; Chillax 225 Ocean Blvd; Slush Factory 235 Ocean Blvd; Tibetan Boutique 239 Ocean Blvd; Sea Sweets 247 Ocean Blvd
2. Parade & Public Gathering License: Bill McGuirk Memorial Golf Tournament 08/22; Smuttynose Rockfest Marathon 10/02/16; Seacoast Century Weekend 09/24-09/25; Global War on Terrorism Rededication Ceremony 09/11; Hampton Historical Society Pig Roast 08/22
3. Banner/Sign License: Hampton Historical Society Pig Roast 08/22
4. Raffle Permit: Hampton Historical Society Pig Roast 08/22
5. Use of Town Property: 2016 Seacoast Century: Use of two Electronic Signs on the Underwood Bridge for the 09/24-09/25; Smuttynose Rockfest Half Marathon Use of Parking Lots: Ashworth Ave Parking Lot, Church Street Parking Lot, Island Path Parking Lot 10/02
6. Taxi Business and Driver Licenses: Rockingham Livery: Stephen Gerrato, Vickie Wright, Ronald Brooks, Ovie Rollins; Abba Taxi: Diane Bushe, Rickie Bushe, Joseph Frechette, John D'Entremont, Joseph Pittman, William Macleod

Selectman Griffin MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Waddell.

VOTE: 5-0-0

V. Appointments

1. Doc Noel & Jude David, Hampton Area Chamber of Commerce (30:40)

a. Seafood Festival

Ms. David: 27th Annual Seafood Festival scheduled for September 9-11, 2016; appreciates continued support from the Town of Hampton; works closely with Hampton PD, FD and DPW; 68 top restaurants; 80 arts and crafts vendors; entertainment; 3 main events. Takes over 600 volunteers if interested see website or call 475-2431; free parking and shuttle service. Expenses have increased dramatically gone from \$396,076 to \$504,000; main increase is security; tent increased; insurance is \$25,000; electrical upgrades \$10,000; State special use permits \$9,000; need to increase admission; admission on Friday \$5.00; Saturday \$10.00; Sunday \$8.00.

Selectman Griffin MOTIONED to APPROVE the Seafood Festival SECONDED by Selectman Barnes.

VOTE: 5-0-0

2. Norm Silberdick, Trustees of the Trust Fund (41:14)

a. Quarterly Report

Mr. Silberdick: had meeting on July 18; strong quarter; the real eState trust fund is at an all-time high at closing \$19,266,000; as of today is \$19,489,000. The common trust fund has performed well \$580,000 generated \$23,000 for year; capital reserve fund is \$1,500,000; overall strong quarter. We formed a sub-committee looking into alternative investment advisors; scheduling interviews in October.

Selectman Barnes: good report, always good to see investment gain.

Selectman Waddell: great report well diversified.

Selectman Bean: thanks for the great performance in your leadership in the trust fund.

Selectman Griffin: everyone loves it when the market is up.

3. Chief Ayotte and Deputy Kennedy, Fire Department (46:39)

a. Departmental update

Chief Ayotte: Hampton Fire Rescue has responded to 2,685 calls for service the breakdown is fire calls 1,265 and EMS calls 1,420. On the Fire side, we have responded to 27 fires; have received mutual aid from several communities on a fire on F Street; no injuries or fatalities at any of the fires; consider value of property saved and have provided mutual aid for our sister communities. On the EMS side we have transported 913 patients to the hospital; had successful recitation; problem with drug overdose, administered Narcan 31 times this year; 52 calls covered by community service ambulances. Thank Senator Bob Preston for his donation of mannequins, as a result we are able to train WHS seniors in CPR and trained 319 members of the public this year. Fire prevention side performed 178 inspections, 116 permits and collected \$12,889.40. We have started a new fire prevention initiative, offering free fire extinguisher training for the business community. Customer satisfaction is very high; Administration side needs to fill a vacancy and have eight candidates taking the oral Boards; researching grant funding to replace portable radios.

Note: Draft minutes are subject to corrections, additions and deletions.

Selectman Barnes: thank you for the report; read about a municipality in NH having to wait for service; thank you for providing such a great service.

Selectman Waddell: thank you for the report; it is a shame that the Narcan thing continues to increase. Chief Ayotte: not seeing the news reports on the drug overdoses, but it is still there and our EMTs are working hard to make sure the people are taken care of

Selectman Waddell: it is very positive making people feel very welcome when entering the Fire Stations.

Selectman Bean: nice report, up over 3% per year in your calls; busy station; doing great in your leadership responsibilities and especially pleased with your Fire Inspection Department; remarkable change; keep up the good work.

Selectman Griffin: typically where do you administer this Narcan, is it residences or businesses? Chief Ayotte: businesses not as much, but it is varied; it is not localized into one area, definitely in the residences; hotels and motels.

Chairman Bridle: nice report; eight candidates for the oral Boards. Chief Ayotte: we are down from 12; three have taken jobs in other Fire Departments

Chairman Bridle: is there a reason we are seeing a decline in people looking for the job; we always had 25-50 taking tests. Chief Ayotte: when I was first hired, we had 3 openings and 62 candidates

Chairman Bridle: it seems along with the Police Department it is harder to get public servants.

Selectman Griffin: also the lowest unemployment rate in 20 years

4. Ed Tinker, Chief Assessor (1:00:20)

a. 2016 Revaluation

Mr. Tinker: The mass appraisal process is more complicated than taking an average sale increase and applying that average to every property in Town; the point of a mass appraisal is to make everybody fair and equitable; the ratios we are required to develop the main one is the median ratio. The majority of properties would be 100% or whatever the median ends up being; the other properties are slowing moving out like a bell curve, the purpose being it is not a simple task of everybody going up 10%, 20% or 30%; what we gave you were averages for every type of property in Town. Condominiums although it says it is an average of 17%, it does not mean everybody went up 17%; properties in Church Street area went up 20% not every single property went up 20%. It is a very complicated process and spent a year doing this; to address a few specific issues that were made tonight at public comment. The Bernie's Beach Bar sale was an abutter sale, which is an unqualified sale; additionally the property is under construction; the value of that property next year would be considerably more than he paid for it. However, this year the changes took place after April 1; it was assessed according to what we felt the fair market value was at the time. Parking lots are in the business seasonal zone, therefore, valued as vacant business seasonal properties. To try to determine how many spaces, what the income is on a daily basis, weather conditions; it is impossible to get that information; mass appraisal is to value everybody equitably within the same neighborhoods, within the same zones, with the same property types. It is impossible for us to do spot assessing, because we are not doing individual fee appraisals, we are doing mass appraisal. As commercial property values go, there is a lot of business value, a lot of furniture, equipment,

supplies; for example, the Ashworth, there is value in the name and they bought the name and that business. There are 107 rooms; determine the furniture, fixtures and equipment in the rooms, but also have to consider the restaurant, laundry, common areas, banquet rooms, dining rooms; there is a lot of value; we feel the value we put on the property represents the real estate value. We completed hearings last month; our opinion is that the values are equitable and fair and addressed all property types fairly.

b. Presentation of Final Values – Mike Tarello & Steve Wayland

i. Vision

Mr. Tarello: in the community there are about 9,587 taxable properties; we had 1,064 hearings or parcels that were dealt with, some hearing were multiple parcels; 1,011 were residential and 53 commercial; about 11% of all taxable properties; the number of parcels with no change was 459, 43% percent of total hearings; the number with a form of change was 605; 57% percent of total hearings; percent of changes to all taxable parcels 6% the amount of adjustment was about \$5,000,000 downward. The original preliminary value was \$3.540 billion and it changes to \$3.535 billion; 5 million change is a fraction of the total value, so the change was minimal. There were minimal changes; the data is sound; the valuation process did not change. We have completed our process and are waiting for the Assessor to give us the approval to finalize the figures to give to the State, then will finalize our appraisal documentation and give to the Assessor once complete.

Selectman Barnes: on the \$5,000,000 were there things you were not familiar with for the specific property. Mr. Tarello: a lot are physical items of interior things; or they will identify an easement or issue we are not familiar with the property. Mr. Tinker: the amount of people that did have changes averaged at \$8,000 per parcel; bedroom/bathroom counts were a big thing; changing from 3 bedrooms to 2 or changing a bathroom could easily go over the \$8,000, majority were interior changes.

Selectman Waddell: A certain group people brought up many questions; when something appraised it is too low and when assessed it is too high. I am concerned when they are talking about the commercial to the residential that we have the data to back up; that we know what is done is fair.

Mr. Tinker: the assessment change based on prior assessments, so it is not just market increasing 17% that is why not every property goes up 17%; they go up based on their prior assessed value in relation to current market value. Condominiums within a building all have something different; maybe 10 square feet or an extra bath or maybe a floor covering; everyone is going to have a little different assessment. There are going to be properties above market and properties below, but if it is equitable, it is acceptable, that is part of a mass appraisal and the State wants us to use is fair market sales.

Mr. Tarello: it is a very good point he made; when we do the process you have to realize that we are not going to a home as a fee appraisal, getting four comparable sales and doing an appraisal. We are tasked to do every type of property in the community; such as doing a big hotel to a little cottage; we have been doing this for many years. It is like a puzzle; gathering all the sales information, the income and expense information, the physical data and put that puzzle together with this raw data to get smooth and equitable values. Sometimes we have to gather data that is older; then look at the percentage increase in the sales compared into the percentage increase into the non-sales.

Note: Draft minutes are subject to corrections, additions and deletions.

Selectman Waddell: how many other Towns do you do? Mr. Tarello: hundreds. Selectman Waddell: how long have you been doing it? Mr. Tarello: going on 30 years; Mr. Wayland 30 years; Mr. Traub more than that.

Selectman Bean: what is the tax bill on \$5,000,000? Mr. Tinker: \$100,000. Selectman Bean: I commend the Town and the 900 people who came in here to claim their \$100,000; it was done with professionalism; remarkable process; thank you for the data.

Selectman Griffin: I spoke with many people who came and said they treated very respectful; everyone was given a fair chance.

Mr. Tarello: we took calls a good six days after the cut off; important everyone has a chance to come in.

Chairman Bridle: everybody said they were treated with respect and had a good conversation; you did an excellent job.

Selectman Griffin MOTIONED to APPROVE the preliminary values SECONDED by Selectman Barnes.

VOTE: 5-0-0

ii. Steve Traub - Utility Values

Mr. Tinker: Steve Traub was charged with doing our Utility appraisals

Mr. Traub: six utilities that I did for the Town; the old total value was \$86,000,000, the new total value is close to \$105,000,000, increase of 18 million. One of the reasons for the changes is a new Legislative rule for Fair Point and it is now going to be done according to some formula the State has legislated; so I tried to emulate what they are going to do for next year, this year, so you would not have a big shift next year. Lobbyists got Fair Point's assessment lowered; other than them and Comcast, the other values went up.

Selectman Barnes: why did Comcast go down? Mr. Traub: you are only allowed to tax their right-of-ways; there is a formula for it; the Rochester decision; other properties have improvements to them, so not just right-of-way value; Comcast no equipment, just right-of-way value.

Selectman Waddell: the assessment went up, which is good; is this stuff that we can backed up? Mr. Traub: I made sure what we had is supportable; most of the Towns were using what the State gave them for a number; there have been recent Court decisions and they do not like the way the State is allocating values, not appraising them.

Selectman Waddell: great, you have done a good job.

Attorney Gearreald: in the past where we had so many utility cases to defend against; having to rely on the State data, we did not have the necessary data to do what Steve has done. We do have back up that enables this methodology to be utilized, so we are in a much stronger position to defend it.

Selectman Bean: I do not see NextEra being assessed; we have a reduction of two utilities of \$5.56 million; utilities are up 21% in their assessments; nobody else is getting that kind of break. NextEra just recently tried to buy a utility company that operates the power for Hawaii; in your professional opinion why do they get special treatment and when is it going to stop;

Note: Draft minutes are subject to corrections, additions and deletions.

when are we going to assess it. Attorney Gearreald: we have every intention of having a separate appraisal of that; we have someone in line to do that; it is a special category of appraisal; a bit more detailed than what was able to be done for the \$75,000. The warrant article was \$225,000 and we have every intention of doing them soon, so we will have a reasonable basis to judge them fairly just like everyone else.

Selectman Bean: we wanted the public to know that we are in the hunt to bring equity and parity to some of these people in Concord; billions of dollars in corporations that are reducing their tax bill while ours is increasing. The Fair Point reduction is that specifically around Bill 1198. Mr. Tinker: pole and conduit is a big chunk of it, but also right-of-way is part of it.

Selectman Griffin: glad to see there is an improvement in the values; I think we really need to look at Comcast; glad to see we are keeping track of this and will have data to back it up in the future.

Selectman Bean MOTIONED to ACCEPT the Utilities values of \$104,991,400 SECONDED by Selectman Griffin.

VOTE: 5-0-0

5. Dennis Thompson, Northern New England Field Services (1:30:50)

a. Seawall Permit for Repair of Seawalls at 1064 - 1072 Oceana Blvd

Mr. Thompson: this particular section of seawall over the years have suffered some failures and basically the structures we have proposed to bill will be solid concrete block with a stairwell down the side, anchored to the existing seawall with an additional footing added to give us stability. We have been before the Planning Board, Conservation Commission and Army Corp of Engineers; last week received State wetlands permit.

Town Manager Welch: I would suggest the Board vote to allow the construction.

Attorney Gearreald: is there an insurance certificate? Mr. Thompson: there is an insurance certificate on file with the Town

Selectman Griffin MOTIONED to APPROVE the Seawall Permit for Repair of Seawalls at 1064- 1072 Oceana Blvd SECONDED by Selectman Waddell.

VOTE: 5-0-0

VI. Approval of Minutes (1:35:30)

1. July 11, 2016

Selectman Barnes MOTIONED to APPROVE the Minutes of July 11 as submitted SECONDED by Selectman Waddell.

VOTE: 5-0-0

2. July 25, 2016

Selectman Waddell MOTIONED to APPROVE the Minutes of July 25 as submitted SECONDED by Selectman Barnes.

VOTE: 5-0-0

VII. Town Manger's Report (1:36:00)

Note: Draft minutes are subject to corrections, additions and deletions.

1. Within the next 2 weeks, the DPW will begin paving on Driftwood Road, Cedarview Lane, Forest Drive and Maplewood Drive.
2. State DOT will be posting "no Parking" on the three parking spots in front of Wok Restaurant. The action was taken due to numerous complaints concerning near collisions.
3. The Children's Festival at Hampton Beach will be August 15-19, 2016.
4. Handicap parking issue on Highland, suggested to the individual to contact abutting property, which has parking on their land and make agreement with them..
5. Sent out the Legislative bulletin.
6. The Electric utilities will be in to remove their assessments.
7. Drafted letter to State concerning the DES regulations regarding wastewater and the treatment of.

Selectman Bean MOTIONED to send the DES regulations letter to the State SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Waddell: are the streets mentioned in the Warrant Article being paved? Town Manager Welch: all but Acorn, in our review of the streets, Acorn is a private road; the other streets are scheduled to be paved after the Seafood Festival.

VIII. Old Business (1:46:00)

1. Residents of Mary Batchelder Road thru traffic concerns

Town Manager Welch: I have asked the Police Chief to station a car there and issue citations to all the trucks; a police officer went to the businesses on Merrill Industrial Drive and informed them that these were restricted roads and the trucks should not be operating on them. The trucking companies GPS system tells them to travel those roads.

Selectman Griffin: what about the road breakage? Town Manager Welch: no sense fixing it until the traffic stops, drainage out there needs to be dug up.

Selectman Griffin: what do you recommend for these people? Town Manager Welch: I recommend that they continue to call; Selectmen talk to the Chief.

Selectman Bean: our property is being destroyed by outside interests; disobeying the law; jeopardizing the safety of residents and I want to see tickets; I want to see the orange sign.

Chairman Bridle: we need to tell our Police Chief that we need to start having strict enforcement. Town Manager Welch: have tried to emphasize that for two years.

Selectman Bean: I am sure Chief Sawyer will respond to this.

Resident: I called the Police Department last Friday as four trucks went down the road between 11:00-11:30 and asked for the sign to be placed at the end of one of the streets.

Selectman Bean: have a spokesperson get in touch with Mr. Welch.

Selectman Waddell: residential neighborhood; major safety issue; small street; has to be some way to take action

Selectman Griffin: we should think about a warrant article for the condition of the roads.

Note: Draft minutes are subject to corrections, additions and deletions.

Chairman Bridle: best way to stop this is through enforcement and we will speak with the Chief.

Selectman Waddell: put this on the agenda for the next meeting to find out what has been done.

IX. New Business (1:54:00)

Selectman Waddell MOTIONED to APPROVE the acceptance of \$1,250.00 from Loco Sports
SECONDED by Selectman Bean.

VOTE: 4-0-1 (Griffin)

1. NH DOT Resurfacing of US Route 1

Town Manager Welch: the NH DOT is going to be doing some work on US Route 1 and they have requested us to sign an agreement; I want to know if the Board has any qualms about it; they will use our Police Officers

Selectman Bean MOTIONED to APPROVE signing the agreement with NH DOT
SECONDED by Selectman Waddell.

VOTE: 4-0-1 (Griffin)

2. Amend Town Code 805-32 – Stop sign for traffic entering Anns Lane northerly from Anns Terrace and Section 805-45B for 25 MPH speed limit

Town Manager Welch: speeding on street DPW recommended we change the ordinance.

Selectman Bean MOTIONED to Amend Town Code 805-32 & 805-45B Anns Lane and Anns Terrace
SECONDED by Selectman Waddell.

VOTE: 5-0-0

Chairman Bridle: can we get the signs up for Towle Avenue? Town Manager Welch: yes.

1. Removal of Entertainment Restrictions for the Goat Bar & Grill

Town Manager Welch: there is no outdoor entertainment allowed at that facility, it is not on their license; that the Board permits outdoor entertainment. I have received a recommendation from the Chief of Police that it be allowed but must cease at 11:00PM as there are residential establishments around there.

Selectman Barnes MOTIONED to APPROVE Outdoor Entertainment until 11:00PM
SECONDED by Selectman Waddell.

VOTE: 3-0-2 (Bean, Griffin)

2. Question of approving and acceptance of Conservation land easement and 2 deeds – 298 Exeter Road – RSA 36-A:4 – Attorney Gearreald, Barbara Renaud and Pete Tilton, Conservation Commission, Attorney Michael Klass.

Attorney Gearreald: this has to do with the conservation easement termination of the 50 year no build conservation easement on 298 Exeter Road where the Seacoast Crossroads Realty is intending to construct a health care facility, which includes assisted living and an Alzheimer's unit. As part of the proposed termination of this 50-year conservation easement which has 6 years remaining; two parcels proposed as mitigation one is a swap basically; 6.6 acre parcel

Note: Draft minutes are subject to corrections, additions and deletions.

which is Map 66 Lot 3; part of property is recognized by the conservation easement exchange 2.6 acres. The other parcel is a 2.0-acre portion Tax Map 51 Lot 3; resolution approved conceptual swap; petition has been filed with Probate Court; been working on documents to get into place. The two acre parcel the conservation commission will only be receiving an easement as opposed to full title; whether there shall be public use of parcel; owner indicated it be insisted there not be public access.

Ms. Renaud: had several issues; liability issue; this particular parcel would not allow for a great deal of recreation and we do have 12 acres across the street, which will have public access; no taxpayer money is being spent for this land; replacing land that was once landlocked that had no access to start with; small area; no precedence.

Attorney Gearreald: this parcel is not in current use at the time.

Attorney Klass: preserve property in present State.

Attorney Gearreald: other aspect; we are down to one particular provision which is motorized vehicle use by the commission as well as by the current owner. Grantee shall request permission from grantor prior to utilizing the easement area for motorized vehicle use and grantor shall not unreasonable withhold such permission; did not obtain the approval of the commissioners who have been reviewing this. Attorney Klass and I have come up with something that we can recommend: grantor and grantee may use the easement area for reasonable motorized vehicle use only as necessary in the accomplishment of habitat management, law enforcement and public safety or conservation uses of the easement area; provided that no use of motorized vehicle shall create impacts that are detrimental to the productivity of the soils on the easement area and the purposes of this conservation easement. Except for emergency situations, the grantee shall notify the grantor at least 48 hours in advance of its intended use of a motorized vehicle on the easement area.

Attorney Klass: I will recommend this, but I do not have authority for the client; still a chance that either client could balk; our office does not agree that we need to be here today because of the prior resolution.

Selectman Bean MOTIONED to accept the instruments and concepts contained therein and authorize Town Manager to sign SECONDED by Selectman Waddell.

VOTE: 5-0-0

X. Closing Comments

Attorney Gearreald: recommends that the Board go into a nonpublic session under RSA 91A:2II,c,e reputation and litigation.

XI. Adjournment

Selectman Waddell MOVED to enter into nonpublic session under RSA 91-A:3,II,(c),(e) and asked for roll call at 10:09 PM SECONDED by Selectman Barnes.

VOTE BY ROLL CALL: 5-0-0

Chairman